HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 5102 OF 2007

DATED: 15.3.2007

Between:

Dr. M. Sudhindra

… Petitioner

and

Kadapa Municipal Corporation and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.5102 OF 2007

ORAL ORDER:

On 30.1.2007, the Commissioner of the 1st respondent-Municipal Corporation issued a notice to the petitioner under Section 146 of the Hyderabad Municipal Corporation Act, 1955, as applicable to the 1st respondent, intimating that the petitioner's property in an extent of 176.78 sq.mtrs is likely to be affected in road widening; that the petitioner should handover the affected area to the 1st respondent and the 1st respondent would pay structural compensation for the affected structures and would also provide FSI relaxation as per G.O.Ms.No.33 M.A. dated 3.2.2001 for further construction in the remaining part of the area. Petitioner declined.

His grievance is that the respondents have come on to the property and have made markings and are threatening to demolish without following due process of law.

Sri S.I. Newton, the learned Standing Counsel for the 1st respondent-Corporation has obtained instructions from the said

respondent and submits that the 1st respondent will not interfere with the ownership, possession and enjoyment of the petitioner of his property, except by following due process of law. There will be no unlawful dispossession or unauthorized demolition by or under the orders of the 1st respondent. If the first respondent seeks to acquire the petitioner's property for the purpose of road widening, it would follow the due process of law.

In the light of the undertaking by the 1st respondent, as submitted to this court by Sri S.I. Newton, the learned Standing Counsel, the petitioner's apprehensions have no basis. The writ petition is accordingly disposed of recording the submission on behalf of the 1st respondent. No costs.

GODA RAGHURAM, J

Date: 15.3.2007
cvm